

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE
CRIMINAL APPLICATION NO.4104 OF 2006

Punamchand Bahgirath .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri.S.P.Kadam for the applicant.

Shri.M.S.Mhambre, A.P.P. for the State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 8TH DECEMBER, 2006

P.C.:

1. The applicant has been arrested on 26th June, 2004 in connection with C.R.No.79 of 2004 registered by Walchand Nagar Police Station, District Pune. The offences alleged are punishable under Sections 328, 341, 365, 395 & 412 read with 34 of the India Penal Code.

2. Shri.Kadam, learned A.P.P. submits that the

co-accused in this case has been enlarged on bail by an order passed by this Court on 28th April, 2005 in Cri.Application No.2658 of 2005. The applicant's case is similar to that of co-accused and therefore on the ground of parity, even the present applicant be enlarged on bail. This matter was placed before this Court on 24th November, 2006 and on this ground, namely, parity, the learned A.P.P. directed to take instructions.

3. Today, the learned A.P.P. submits that the case of the present applicant is similar to that of co-accused and the order passed by this Court would apply to this case as well.

4. In these circumstances, on the same terms and conditions as that of the co-accused stipulated in the above order of this Court, the present applicant is also enlarged on bail. This sum as well as the other conditions imposed upon the co-accused shall also stands imposed in so far as the present applicant is concerned.

5. Hence the following order : -

ORDER :

(i) Applicant is directed to be released on bail in connection with the C.R.No.79 of 2004, registered with Walchand Nagar Police Station on executing personal bond in the sum of Rs.25,000/- (Rs.Twenty five thousand only) with two local sureties in like amount.

(ii) The applicant shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.

(iii) The applicant shall report to the concerned police station once in a month on first Sunday of every English Calender Month between 10.00 a.m. to 2.00 p.m., during the pendency of the trial.

(iv) The applicant shall disclose his place of residence to the Investigating Officer as well as the trial court where he would stay after the release on bail and shall report to the trial

court before he travel beyond the State of M.P. where he would ordinarily reside.

(v) The applicant shall co-operate for early disposal of the trial. In the event, the trial court is of the opinion that the applicant is responsible for delay in trial, that be recorded in roznama and that can be the basis for cancellation of bail. of trial.

(vi) Application disposed of.

(S.C.Dharmadhikari, J.)